

*City of Las Vegas*

**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: DECEMBER 6, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SUP-25255 - APPLICANT: CHILDREN'S ORCHARD -  
OWNER: SUMMERHILL PLAZA PARTNERS, LLC**

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**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION: APPROVAL**, subject to:

**Planning and Development**

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for Second Hand Dealer use.
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This application is a request for a Special Use Permit to allow a Second Hand Dealer use in located at 7501 West Lake Mead Boulevard, Suite #118. The proposed use will operate as a children's clothing and toy store that provides a cash credit in addition to a store credit for secondhand or used personal property.

As the proposed use does present any significant impact to the immediate area, staff recommends approval.

**BACKGROUND INFORMATION**

<i><b>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</b></i>	
2/07/96	The City Council approved a request to Rezone this property from N-U (Non-Urban) zone to C-1 (Limited Commercial) as part of a larger request (Z-107-95). The proposed use was for a commercial shopping center on the center and west portions of the property and an office complex on the east section.
3/14/96	The Planning Commission approved a request for a Plot Plan and Building Elevation Review for most of this site [Z-107-95(1)].
7/25/96	The Planning Commission approved a request for a revised Plot Plan and Building Elevation Review for the majority of the site [Z-107-95(2)].
1/23/97	The Planning Commission approved a request for a Plot Plan and Building Elevation Review on the east portion of this property [Z-107-95(3)]. The proposed use was for an office complex.
7/14/97	The City Council approved a request for a Special Use Permit (U-0052-97) on property located at 7531 west lake mead boulevard for the on-premise sale of beer and wine in conjunction with a proposed restaurant. Planning Commission recommended approval on 6/12/97.
3/06/02	The City Council approved a request for a Special Use Permit (U-0160-01) and Waiver to the 400-foot minimum separation requirement from a City Park for a Restaurant Service Bar at 7531 West Lake Mead Boulevard Suite #1. Planning Commission recommended approval on 1/24/02.
<i><b>Related Building Permits/Business Licenses</b></i>	
1/14/98	Plan Check #L-4020-97: work completed for tenant improvement build-out.
5/30/98	Certificate of Occupancy issued for a 1,536 square foot Retail Suite.

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11/16/07	Business License #S25-97554 requested for Second Hand Dealer, Class II for children's clothing, toys, gear, and equipment for ages: infant to 12 years, at 7501 West Lake Mead, Suite #118. NOTE: The final review of this license is pending approval of the related Special Use Permit (SUP-25255)
<b><i>Pre-Application Meeting</i></b>	
10/19/07	A pre-application meeting was held with staff to discuss the requirements for a Second Hand Dealers use associate with proposed children's clothing and toy store. Staff explained the application of a cash credit, in addition to a store credit, requires a Special Use Permit. Staff outlined the application process for requesting a Special Use Permit prior to receiving a business license.
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting is not required, nor was one held.	
<b><i>Field Check</i></b>	
Month/date/year	A field check was made by staff with the following observations: <ul style="list-style-type: none"> <li>Existing Commercial Center with large amount of parking.</li> <li>7501 West Lake Mead, Suite #118 currently vacant.</li> </ul>

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	8.6 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Commercial Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Commercial Center	SC (Service Commercial)	C-1 (Limited Commercial)
South	Single Family Residential/ Condominium	M (Medium Density Residential)/ ML (Medium Low Density Residential)	R-PD15 (Residential Planned Development – 15 Units per Acre)/ R-CL (Residential Compact Lot)
East	Commercial Center	SC (Service Commercial)	C-1 (Limited Commercial)
West	Single Family Residential	M (Medium Density Residential)	P-C (Planned Community)

<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Area Plan</b>		X	NA

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<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>		X	NA
<b>Trails</b>	X		Y
<b>Rural Preservation Overlay District</b>		X	NA
<b>Development Impact Notification Assessment</b>		X	NA
<b>Project of Regional Significance</b>		X	NA

## Trails

The proposed location of the Second Hand Dealer use is within an established Commercial Shopping Center that is adjacent to a Pedestrian Path located along Lake Mead. As this area has been developed and this proposal is not seeking to construct any additions to the Shopping Center, therefore this proposal is not affected by the development requirements for the Pedestrian Path Trail.

## DEVELOPMENT STANDARDS

*Pursuant to Title 19.10, the following parking standards apply:*

Pursuant to Title 19A, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Commercial Shopping Center (Per Z-0107-95[2])	156,720 SF	1:250 SF	613 spaces	13	735 spaces	14	
SubTotal			626		749		
TOTAL (including handicap)			626		749		Y

## ANALYSIS

- Land Use and Zoning**

The subject site maintains the SC (Service Commercial) General Plan Land Use Designation and is located within the C-1 (Limited Commercial) Zoning District. The proposed Second Hand Dealer use is permitted in the C-1 (Limited Commercial) zoning district with an approved Special Use permit.

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This proposed Second Hand Dealer use meets the description in Title 19.04.010 as business in which the sale of secondhand or used articles is incidental to the sale of new articles of the same kind. The applicant intends to supplement the General Retail use of children's clothing and toy store with the incidental Second Hand Dealer use which will allow store or cash credit for used items.

- **Site Plan**

The provided site plan show the proposed use located inside suite #118 in an established 156,720 square foot Commercial Shopping Center located at 7501 West Lake Mead Boulevard. The proposed use is centrally located on the southern perimeter of the site. There is no change to the existing parking as the Second Hand Dealer Use requires the same one-space-per-250-square-feet ratio provided by the previous retail tenant.

- **Floor Plan**

The provided floor plans depict a 1,600 square-foot suite with 1,250 square feet dedicated to open retail space. The proposed use is operated within the entire store with no restricted areas shown on the provided floor plans.

- **Title 19.04.010 Conditional Requirements**

Minimum Special Use Permit Requirements:

- \*1. No outdoor display, sales or storage of any merchandise shall be permitted.
- \*2. The use shall comply with the applicable requirements of LVMC Title 6.
- \*3. No secondhand dealer shall be located on either side of Fremont Street or on Las Vegas Boulevard South, between Charleston Boulevard and Sahara Avenue.

## **FINDINGS**

The following findings must be made for a Special Use Permit:

1. **"The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan."**

With an approved Special Use Permit, the proposed Second Hand Dealer use can be conducted in a manner with the General Plan land use designation and associated C-1 (Limited Commercial) zoning district. The proposed use can be conducted in a manner that is harmonious and compatible with the surrounding uses, as the Second Hand Dealer use will be within an established store selling new and used children's clothes and toys within an existing commercial center.

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- 2. “The subject site is physically suitable for the type and intensity of land use proposed.”**

The proposed Second Hand Dealer use will be secondary and incidental to the sale of children’s clothing and toys. The applicant is seeking the Special Use Permit as the option of a cash credit, in addition to a store credit, will be given for used children’s items. The proposed use meets all conditional requirements as listed in Title 19.04.010 for a Second Hand Dealer; therefore, staff finds that the requested location is a suitable site for this use.

- 3. “Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

Site access is provided by Lake Mead Boulevard and Buffalo Drive, both 100-foot wide Primary Thoroughfares. Staff finds the existing street network and onsite circulation are adequate for the minor amount of traffic generated by this proposed Second Hand Dealer use.

- 4. “Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The applicant has provided substantial evidence that the proposed Second Hand Dealer use meets the Minimum Requirements as listed in Title 19.04.010 and is consistent with the overall objectives of the General Plan.

- 5. The use meets all of the applicable conditions per Title 19.04.**

The proposed use meets all Minimum Requirements as listed in Title 19.04.010 for a Second Hand Dealer use.

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**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 10

**ASSEMBLY DISTRICT** 37

**SENATE DISTRICT** 6

**NOTICES MAILED** 835

**APPROVALS** 0

**PROTESTS** 0